IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22930 of 2003

Between:
N. Panduranga Rao, S/o. N.V. Kutumba Rao, Occ : Advocate and President Railway Claims Tribunal
Advocate's Association, Secunderabad, R/o. 2-3-18/50/B, Tulasinagar Colony,
Amberpet at Hyderabad.

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PETITIONER

AND

1 The Union of India, Rep. by the Ministry of Railway, New Delhi.
2 Chairman, Railway Board, Rail Bhavan, New Delhi.
3 The Chairman, The Railway Claims Tribunal, 13/15, Mall Road, New Delhi - 110054.
4 AP State Legal Service Authority, rep. by its members secretary, High Court Building,
Hyderabad.
R4 is impleaded as per Court Order dated 5.11.03 in W.P. 22930/03
5 The Secretary of the Appointments Committee of the Cabinet North Block, New Delhi.
6 The Secretary, Department of Personnel and Training, North Block,New Delhi.
R.R. 5 and 6 are impleaded as per Court order Dt:3-2-2004 in W.P.No.22930/2003

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ, more particularly one in the nature of Writ of Mandamus: (i) Directing the respondents herein to appoint Member Technical in the Railway Claims Tribunal Bench at Secunderabad ; (ii) Direct the respondents to conduct a Lok

Adalath at Railway Claims Tribunal Bench at Secunderabad for speedy disposal of claim Petitions ; (iii) Declare the action of respondents in not appointing the Member Technical at Railway Claims Tribunal Bench at Secunderabad is illegal, arbitrary and violative of Article 14 of the Constitution of India and defeating the aim and object of constituting Special Railway Claims Tribunals and against the Railway Claims Tribunal Act, 1987 ;

For the Petitioner:MR.S.CHANDRASEKHAR

For the Respondents.: None present

The Court Made the Following ORDER:

(per The Hon'ble The Chief Justice Sri Devinder Gupta)

Primary relief prayed in the writ petition filed as PIL by N.Panduranga Rao, advocate and president of Railway Claims Tribunal Advocates' Association, Secunderabad was to issue direction to the respondents to forthwith make appointment of Member (Judicial) in the Railway Claims Tribunal, Secunderabad Bench.

The petitioner says that the Railway Claims Tribunal is the sole authority to hear and decide the claims of the victims of railway accidents or in the event of there being death, of the heirs thereof. The Tribunal is multi-member Tribunal and about 24,000 claim petitions are pending in various Railway Claims Tribunals in the country. Such claims are pending for long because of not timely filling up of vacancies of either Member (Judicial) or Member (Technical) as and when they fall vacant. Highlighting the circumstances under which the cases have remained pending in the Secunderabad Bench of the Tribunal, aforementioned direction is sought. During the pendency of the writ petition, various interim directions were issued. On 3-2-2004 it was pointed out by the learned counsel for the Railways that 9 members throughout India had been selected for being appointed as Technical Members of the Tribunals but that the

matter had not been cleared by the Appointments Committee of the Cabinet.

It is generally seen that on a vacancy occurring in such like Tribunals the same is not filled up immediately. In so far as Technical Members or Judicial Members of the Railway Claims Tribunal are concerned, on the day they assume charge of their office the dates on which they would cease to be the member is known to the concerned authorities. In other words, the concerned authorities have sufficient material and data before them about the dates on which vacancies would occur. When Tribunals have been constituted as a substitute for Courts for settlement of claims of victims of rail accidents it is but proper that the authorities must ensure that adequate steps are taken for filling up of vacancies within a couple of days of occurring of the vacancies. It will avoid unnecessary hardship to the victims of accidents and will also ensure speedy disposal of claim petitions.

On 17-3-2004 it was pointed out that appointments had been made and persons appointed are likely to join shortly. Now we are informed that in April, 2004 persons appointed have joined, and therefore, no useful purpose will be served to keep this petition pending. We are informed that vacancy of Judicial Member of Railway Claims Tribunal, Secunderabad Bench will occur in the month of October, 2004. About four months time is still available to the respondents to initiate appropriate steps to fill up the vacancy and ensure that if not on the date of occurring of vacancy but within a couple of days thereafter a new member assumes office. But taking note of what we have observed above, we will dispose of this writ petition with direction that the respondents will henceforth ensure of prompt filling up of vacancies within a couple of days of occurring of vacancies. Copy of this order will be sent to the respondents to ensure compliance with these directions. Accordingly the writ

petition is disposed of.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chairman, Railway Board, Rail Bhavan, New Delhi.
2 The Chairman, The Railway Claims Tribunal, 13/15, Mall Road, New Delhi - 110054.
3. The Member Secretary, AP State Legal Service Authority, High Court Building, Hyderabad.
5 The Secretary, Appointments Committee of the Cabinet North Block, New Delhi.
6 The Secretary, Department of Personnel and Training, North Block,New Delhi.

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